IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5917 of 1999

Between:

1. K.V. Raghavulu, R/o Ramnagar, Hyderabad
2. K. Satyanarayana, R/o Ameerpet, Hyderabad
3. S. Bharathi, R/o Sanjeeva Reddy Nagar, Hyderabad
4. K. Rajyalakshmi, R/o Ameerpet, Hyderabad
5. K. Lalitha Jyothi, R/o Ameerpet, Hyderabad
6. K. Hymavathi, R/o Ramnagar, Hyderabad

... PETITIONERS

AND

1. Principal Secretary to Revenue, Secretariat, Hyderabad
2. The Commissioner, Urban Land Ceilings, Nampally, Hyderabad
3. The Special Officer and Competent Authority U.L.C, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus directing to set aside the impugned orders under Section 8(4) final statement under Section-9 dated 13.05.1994, 10(1) Notification in A.P. Gazette part II extraordinary, Hyderabad,dated 12.01.1995 and 10(3) Notification in A.P. Gazette 19 part II Miscellaneous notifications dated 13.07.1995 and 10 (5) Notice dated 14.12.1998 which was set aside, and declare the house properties of the petitioners and the property of the petitioners which is statutory entitled as the petitioners, all third party purchasers are outside the purview of the provisions of the U.L.C to meet

the ends of justice.

Counsel for the Petitioners: MR.C.HANUMANTHA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following Order:

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ORDER:

The petitioners herein have preferred appeal under Section 33 of the Urban Land (Ceiling and Regulation) Act, 1976 before the Chief Commissioner of Land Administration against the Orders dated 14.12.1998 passed in C.C.No.J2/9254,9255,9256/76, by the Special Officer and Competent Authority Urban Land Ceiling, Hyderabad.

The competent authority refused to entertain the appeal on the ground that he has no jurisdiction as much as the post of Commissioner, Urban Land Ceiling was abolished in view of the order passed by the Government. In that view of the matter, the petitioner has filed the present writ petition questioning the order dated 14.12.1998 and seeking further declaration that the house properties of the petitioner are outside the provisions of the Urban Land (Ceiling and Regulation) Act, 1976.

In the counter affidavit filed on behalf of the respondents it is stated that Government in their Memo No.12334/Uc-I(1)/99-1, dated 03.05.1999 has clarified that the post of Commissioner of Land Revenue was re-designated as Chief Commissioner of Land Revenue and the post of Special Commissioner of Land Revenue as the Commissioner, Appeals and such authorities were directed to continue to exercise the powers vested with the Commissioner of Land Reforms and Urban Land Ceilings. It is also further stated that the appeal

filed by the petitioner is also taken up for hearing.

As much as in view of the subsequent clarification issued by the Government it is stated now that the Appellate Authority is functioning and entertaining appeals filed under Section 33 of the Urban Land (Ceiling and Regulation) Act, 1976. In view of the statement in the counter that the appeal filed by the petitioner has also been taken up for consideration, I dispose of the writ petition directing the Appellate Authority to dispose of the appeal preferred by the petitioner against the Order dated 14.12.1998 passed in C.C. No.J2/9254,9255,9256/76 as expeditiously as possible, if not already disposed of.

Further the respondents are directed to maintain *status quo* with regard to the possession of the properties claimed by the petitioner pending disposal of the appeal.

Subject to the above direction the writ petition is disposed of. No costs. Office is directed to mark a copy of this order to Commissioner, Appeals, Andhra Pradesh, Hyderabad.

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(R. SUBHASH REDDY, J)

July 1, 2004

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To

1. Principal Secretary to Revenue, Secretariat, Hyderabad
2. The Commissioner, Urban Land Ceilings, Nampally, Hyderabad
3. The Special Officer and Competent Authority U.L.C, Hyderabad
4. G.P. for Revenue, High Court Buildings, Hyderabad
5. Commissioner, Appeals, (Special Commissioner, Land Revenue) Hyderabad.
6. Two C.D. Copies